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SPECIAL REPRINT
OF THE
RIVERSIDE
CITY CHARTER

Effective Date: November 17, 1981

Effective Date of Amendments: December 11, 1986



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THE CHARTER
of the
CITY OF RIVERSIDE

Editor's Note: The Charter was ratified by the qualified electors of the City at an election held on November 3, 1981, and filed in the Office of the Secretary of State on November 17, 1981. Under present state law, November 17, 1981, is therefore the effective date of the Charter.

Amendments to Sections 405, 702 and 705 and the addition of Section 712 were ratified by the qualified electors of the City at an election held on November 4, 1986, and filed in the Office of the Secretary of State on December 11, 1986. Under present state law, December 11, 1986, is therefore the effective date of these amendments.

Catchlines have been rewritten by the City to bring out more clearly the contents of various Sections of the Charter. A frontal analysis consisting of a numerical listing of the catchlines has been added. The original numbering has not been changed. A uniform system of capitalization has been employed.

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of the
CITY OF RIVERSIDE

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ARTICLE I. INCORPORATION AND SUCCESSION.

Sec. 100. Name and boundaries.

The City of Riverside, hereinafter termed the city, shall continue to be a municipal corporation under its present name of "City of Riverside." The boundaries of the city shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Editor's Note: The Charter became effective on November 17, 1981.

Sec. 101. Succession to rights and liabilities.

The City of Riverside shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

Sec. 102. Continuance of ordinances, rules and regulations.

All lawful comprehensive codes, ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Sec. 103. Continuance of present officers and employees.

The occupants of offices provided for in this Charter and employees, at the time this Charter takes effect, shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the appointment or election, and qualification, of their successors, but subject to the provisions of this Charter.

Sec. 104. Effective date of Charter.

This Charter shall take effect upon its acceptance and filing by the Secretary of State.

Editor's Note: The Charter was filed with the Secretary of State on November 17, 1981. Under present state law, November 17, 1981, is therefore the effective date.

ARTICLE II. POWERS OF CITY.**Sec. 200. Generally.**

The city shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise, or act pursuant to any and all rights, powers, privileges or procedures, heretofore or hereafter established, granted or prescribed by any law of the state,

by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

ARTICLE III. FORM OF GOVERNMENT.

Sec. 300. Designated.

The municipal government established by this Charter shall be known as the "council-manager" form of government.

ARTICLE IV. CITY COUNCIL AND MAYOR.

Sec. 400. Enumerated; number, term and manner of election; wards.

(a) The elective officers of the city shall consist of a city council of seven members, elected from wards, and a mayor elected from the city at large, at the times and in the manner provided in this Charter, who shall serve for a term of four years and until their respective successors qualify. The terms of all officials, so elected, shall be deemed to have commenced on the first Tuesday, following the general municipal election.

(b) The members of the city council shall be elected by wards by the registered voters of the respective wards only. One member of the city council shall be elected by each ward, and only the registered voters of each ward shall vote for the member of the city council to be elected by that ward. In those wards where there are more than two candidates, only a candidate receiving a majority of the total votes cast for the office shall be declared elected.

(c) If in an election for a member of the city council for any ward, or for the office of mayor, no candidate receives a majority of the total votes cast for the office, the city council shall, immediately upon the determination of that fact, call a special election to be held not less than forty-five days nor more than seventy days from the date of the general municipal election. The two candidates receiving the highest number of votes for the office in the general municipal election shall be declared the candidates for the special election.

(d) Elected officials shall take office on the first Tuesday following their election.

(e) The qualifications of candidates and electors and the procedure governing general municipal elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election.

Sec. 401. Eligibility to hold the office: member of the city council; mayor.

(a) A person is not eligible to hold the office of a member of the city council of the City of Riverside unless such person is a qualified elector within the territory comprising the ward by which such person is elected or for which such person is appointed at the time of such election or appointment and continues to be a qualified elector of said ward.

If the residence of any member of the city council is changed to a place outside the boundaries of the ward from which such member was elected or for which such member was appointed, the office of such member shall become vacant. The existence of the vacancy shall be declared and filled as provided by Section 404 of this Charter.

(b) A person is not eligible to hold the office of mayor unless such person is a qualified elector of the city at the time of such election or appointment and continues to be a qualified elector of the city.

If the residence of the mayor changes to a place outside the boundaries of the city, the office of the mayor shall become vacant. The existence of the vacancy shall be declared and filled as provided by Section 404 of this Charter.

Sec. 402. Wards established.

The City of Riverside is hereby and by ordinance shall be divided into seven wards, designated as First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, and Seventh Ward.

The boundaries of wards shall be reviewed at least every ten years upon the completion of the federal decennial census or more frequently as may be determined necessary upon receipt of official census data; and the boundaries of such wards shall be adjusted by the city council as necessary to provide for substantially equal numbers of residents in each ward. Such boundary adjustment during a councilmember's term shall not result in disqualification for membership on the council during such term.

Sec. 403. Compensation.

The members of the city council shall receive compensation for their services as such, and in addition shall receive reimbursement for their necessary expenses on order of the city council for council-authorized traveling and other expenses when on official duty. Each member shall receive as compensation such amount as may be fixed by ordinance, after a noticed, public hearing, notice of which has been given by publication at least fifteen days prior to such hearing.

The mayor shall receive compensation for services in such amount and at such stated times as shall be prescribed by ordinance.

Five affirmative votes of the city council are necessary to establish a level of compensation for the city council and the mayor.

Once a level of compensation for city council members and the mayor is established, such level will not be permitted to change automatically by linking such compensation to an external factor; every change in such compensation must be approved by five affirmative votes of the city council.

Sec. 404. Vacancies.

A vacancy in an elective office, from whatever cause arising, except in the event of a successful recall, shall be filled by appointment by the city council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

If a member of the city council or the mayor is absent from three consecutive regular meetings of the city council, unless by permission of the city council expressed in its official minutes, or is convicted of a crime involving moral turpitude, the office of such person shall become vacant.

The city council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall have been so declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

Sec. 405. Duties of mayor; mayor pro tem.

The mayor shall be the presiding officer at all meetings of the city council and shall have a voice in all its proceedings but shall not vote except to break a city council tie-vote which exists for any cause. The mayor shall be the official head of the city for all ceremonial purposes. The mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government to the people, and of informing the people of any major change in policy or

program. The Mayor shall advise the City Council on all matters of policy and public relations and perform such other duties as may be prescribed by this Charter. During the months of January or February, the Mayor shall deliver a State of the City message at any location within the City that the Mayor deems appropriate at which the Mayor will present the Mayor's programs, objectives and priorities.

The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall assume the duties of the Mayor. The Mayor Pro Tempore shall conduct the Council meetings and shall vote only as a member of the Council, not as Mayor Pro Tempore. In the event of a tie vote, the Mayor Pro Tempore shall not have a tie-breaking vote and Council vote shall be recorded as a negative or "nay" vote. With regards to the veto power, the Mayor Pro Tempore shall not have the power to veto acts of the City Council.

Sec. 406. City powers vested in Council; exceptions.

All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Sec. 407. Interference in administrative service.

Neither the Mayor nor the City Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employment or their removal herefrom. Except for the purpose of inquiry, the Mayor, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Mayor nor the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Sec. 408. Meetings.

The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or read-journ any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Special meetings may be called in accordance with state law.

Meetings of City Council-appointed standing Council committees, regardless of the number of City Council Members who might be on such committees, shall be open to the public and the time and place of such meetings shall be publicly announced at the City Council meetings prior to such committee meetings.

Sec. 409. Same—Location.

All meetings shall be held in the Council Chambers of the City Hall, or in such place to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by four Members of the City Council.

Sec. 410. Same—Quorum; proceedings.

A majority of the Members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the Members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a

stated day and hour. Notice of a meeting adjourned by less than a quorum or by the clerk shall be given in the manner provided by state law.

Sec. 411. Same—Citizen participation.

Each citizen shall have the right, personally or through counsel, to present comments at any regular meeting of the council, or a council standing committee, or offer suggestions with respect to municipal affairs.

Sec. 412. Powers of council and mayor; additional.

The city council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish, and uniformly apply rules for the conduct of its proceedings and evict any member or other person for disorderly conduct at any of its meetings.

The mayor and each member of the city council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the city council. The city council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the city and be attested by the city clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

All votes of the city council shall be by recorded call vote and entered in the minutes of the meeting.

Sec. 413. Adoption of ordinances and resolutions.

With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the city council on the day of its introduction, nor

within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the city clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the council members present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four members of the city council shall be required for the adoption of any ordinance or resolution, or for the making or approving of any order for the payment of money. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Any ordinance declared by the city council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

At any time before the adjournment of a meeting, the mayor may, by public declaration spread upon the minutes of the meeting, veto any formal action taken by vote of the city council including any ordinance or resolution, except an emergency ordinance, the annual budget or an ordinance proposed by initiative petition. Thereupon, pending the vote to override the veto as herein provided, such ordinance, resolution or action shall be deemed neither approved nor adopted. The

mayor shall, no more than twenty days following the veto, provide to council members, in writing, reasons for the mayor's veto. If the mayor fails to provide a written veto message within the time allotted, the original action of the council shall stand. At any regular or adjourned meeting held not less than thirty days, nor more than sixty days after veto the city council shall reconsider such ordinance, resolution or action and vote on the question of overriding the veto. Five affirmative votes shall be required for its adoption or approval. The mayor shall have no right to veto the veto override of any ordinance, resolution or action.

All ordinances and resolutions shall be signed by the mayor and attested by the city clerk.

Sec. 414. Publication of ordinances.

The city clerk shall cause to be published at least once in a newspaper of general circulation within fifteen days after its adoption the number, a title, a brief synopsis of the content of each ordinance and the statement that a full copy of the ordinance is available in the office of the city clerk.

Sec. 415. Codification of ordinances; adoption by reference.

Any or all ordinances of the city which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged in a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof. Ordinances codified in a separate action from their adoption shall be repealed as of the effective date of their

inclusion in the code. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section. Maps, charts and diagrams also may be adopted by reference in the same manner.

Sec. 416. Effective date of ordinances.

No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An ordinance adopted under some law or procedural ordinance providing for a different effective date.
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property.
- (d) An emergency ordinance adopted in the manner provided for in this Article.

Sec. 417. Violation of ordinances and penalty therefor.

A violation of any city ordinance shall constitute a misdemeanor unless by ordinance it is made an infraction, and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of one thousand dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment.

Sec. 418. Contracts—Restrictions on duration.

The city council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than shall be provided by the laws of the State of

California with respect to general law cities unless said contract, lease or extension be approved by a majority of the qualified electors of the city voting on such question at any election. A contract, lease or extension for a longer period shall be valid without such approval if it provides for the right of acquisition by the city at the end of such period of the real or personal property leased or contracted for. This section shall not apply to airports or to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

Sec. 419. Same—Execution.

The city shall not be bound by any contract except as herein-after provided unless the same shall be made in writing, approved by the city council and signed on behalf of the city by the mayor and city clerk or by such other officer or officers as shall be designated by the city council. Any of said officers shall sign a contract on behalf of the city when directed to do so by the city council.

By ordinance or resolution the city council may authorize the city manager to bind the city, with or without written contract, for the acquisition of equipment, materials, supplies, labor, services, or other items, if included within the budget approved by the city council, and may impose a monetary limit upon such authority.

The city council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the city service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the city may be made by the manager of such utility or by the head of the department of public utilities upon forms approved

by the city manager and at rates fixed as in this Charter provided.

The provisions of this section shall not apply to services rendered by any person in the employ of the city at a regular salary.

Sec. 420. Council tie—Mayor's vote.

Notwithstanding any other provisions of this Charter, when a tie-vote exists for any cause, in order to break that tie, the mayor shall have the same voting right as a member of the city council for or against the item before the city council. The mayor's vote shall be deemed a city council member's vote for all purposes, including the introduction or adoption of both ordinances and resolutions.

ARTICLE V. CITY MANAGER

Sec. 500. Creation of office; appointment; tenure; eligibility of elective officers.

There shall be a city manager who shall be the chief administrative officer of the city. The process for the selection of a city manager shall be determined by the city council. It shall appoint, by a majority vote, the available person that it believes to be best qualified on the basis of executive and administrative qualifications, with special reference to experience in, and knowledge of, accepted practice in respect to the duties of the offices as set forth in this Charter. The city manager shall serve at the pleasure of the city council.

No person shall be eligible to receive appointment as city manager while serving as mayor or as a member of the city council nor within one year after ceasing to hold such office.

Sec. 501. Powers and duties.

The city manager shall be the head of the administrative branch of the city government. The city manager shall be responsible to the city council for the proper administration of all affairs of the city.

All department heads and officers of the city, except elective officers and those department heads and officers the power of whose appointment is vested by this Charter in the city council, shall serve at the pleasure of the city manager who may appoint, suspend or remove such department heads and officers subject to the personnel merit system provisions of this Charter. However, the appointment, removal and suspension of the librarian shall be subject to the approval of the board of library trustees, the appointment (but not the suspension or removal) of the controller and the treasurer shall be subject to the approval of the city council, and the appointment (but not the suspension or removal) of the superintendent of public utilities shall be subject to the approval of the board of public utilities. The city manager may approve or disapprove all proposed appointments and removals of subordinate employees by department heads or officers, and such appointments and removals by department heads or officers shall be subject to the approval of the city manager.

Notwithstanding the foregoing or any other provision of this Charter except Section 407, the city council may adopt by ordinance, an employee appeal process which could affirm, overrule or modify a final administrative decision concerning an employee grievance and could provide that such action shall be final. Without limiting the foregoing general grant of powers, responsibilities and duties, the city manager shall have the power and be required to:

(a) Prepare the budget annually, submit such budget to the city council and be responsible for its administration after its adoption.

- (b) Prepare and submit to the city council annually a capital improvements plan.
- (c) Prepare and submit to the city council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the city for such fiscal year.
- (d) Keep the city council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable to the city manager.
- (e) Prepare rules and regulations governing the contracting for, procuring, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any office, department or agency of the city government and recommend them to the city council for adoption by it.
- (f) See that the laws of the state pertaining to the city, the provisions of this Charter and the ordinances of the city are enforced.
- (g) Perform such other duties consistent with this Charter as may be required of the city manager by the city council.

Sec. 502. Participation in meetings of council, boards and commissions.

The city manager shall be accorded a seat at the city council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

Sec. 503. Manager pro tempore.

The city manager shall appoint, subject to the approval of the city council, one of the other officers or department heads of the city to serve as manager pro tempore during any temporary absence or disability of the city manager.

ARTICLE VI. OFFICERS AND EMPLOYEES GENERALLY.

Sec. 600. Appointment of city attorney and city clerk by council; tenure.

In addition to the city manager, there shall be a city attorney and a city clerk who shall be appointed by and serve at the pleasure of the city council.

Sec. 601. Organization of city operations and activities.

The city council shall, by ordinance, provide for the organization of all city operations and activities into functional units and may modify and change the organization from time to time. This organization shall be accomplished through the creation and establishment, by ordinance, of city departments, offices and agencies, boards, commissions and committees. In establishing departments, offices, agencies, boards, commissions and committees, the council shall provide the functions, powers and duties of each such department, office, agency, board, commission or committee created.

The council may, by ordinance, abolish, consolidate, modify or separate any department, office, agency, board, commission or committee, and may assign, reassign, or modify any functions, powers, or duties.

No office provided in this Charter to be filled by appointment by the city manager may be consolidated with an office to be filled by appointment by the city council. The city council, subject to the provisions of this Charter, shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Sec. 602. Eligibility, powers and duties of city attorney.

To become eligible for city attorney, the person appointed shall be an attorney-at-law duly licensed as such under the laws

of the State of California, and shall have been engaged in the practice of law for at least five years prior to appointment.

The city attorney shall have power and may be required to:

(a) Represent and advise the city council and all city officers in all matters of law pertaining to their offices.

(b) Represent and appear for the city in any or all actions or proceedings in which the city is concerned or is a party, and represent and appear for any city officer or employee, or former city officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party for any act arising out of such officer's or employee's employment or by reason of such officer's or employee's official capacity.

(c) Attend all regular meetings of the city council and give advice or opinion in writing whenever requested to do so by the city council or by any of the boards or officers of the city.

(d) Approve the form of all contracts made by and all bonds given to the city, endorsing the city attorney's approval thereon in writing.

(e) Prepare any and all proposed ordinances or resolutions for the city and amendments thereto.

(f) Surrender to the city attorney's successor all books, papers, files and documents pertaining to the city's affairs.

The city council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the city attorney therein.

Sec. 603. Powers and duties of city clerk.

The city clerk shall have power and be required to:

(a) Be responsible for the recording and maintaining of a full and true record of all of the proceedings of the city council in books that shall bear appropriate titles and be devoted to such purpose and attend all meetings of the city council either in person or by deputy.

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the city.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the city and certify copies of official records.

(f) Have charge of all city elections.

Sec. 604. Controller.

There shall be a controller appointed by the city manager with the approval of the city council who shall have power and shall be required to:

(a) Have charge of the administration of the financial affairs of the city under the direction of the city manager.

(b) Compile the budget expense and income estimates for the city manager.

(c) Maintain a general accounting system for the city government and each of its offices, departments and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve, before payment, all bills, invoices, payrolls, demands or charges against the city government and, with the advice of the city attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.

(e) Submit to the city council through the city manager a

monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city; and, as of the end of each fiscal year, submit a complete financial statement and report.

(f) Supervise the keeping of current inventories of all property of the city by all city departments, offices and agencies.

Sec. 605. Treasurer.

There shall be a treasurer appointed by the city manager with the approval of the city council who shall have power and shall be required to:

(a) Receive all taxes, assessments, license fees and other revenues of the city, or for whose collection the city is responsible, and receive all taxes or other money receivable by the city from the county, state or Federal government, or from any court, or from any office, department or agency of the city.

(b) Have custody of all public funds belonging to or under control of the city or any office, department or agency of the city government and deposit all funds coming into the treasurer's hands in such depository as may be designated by resolution of the city council, or, if no such resolution be adopted, then in such depository designated in writing by the city manager, and in compliance with all of the provisions of the state constitution and laws of the state governing the handling, depositing and securing of public funds.

(c) Disburse moneys on demands audited in the manner provided for in this Charter.

(d) Prepare and submit to the controller monthly written reports of all receipts, disbursements and fund balances; copies of said reports shall be filed with the city manager.

Sec. 606. Administering oaths.

Each department head and the deputies thereof shall have the power to administer oaths and affirmations in connection with any official business pertaining to such department.

Sec. 607. Appointive powers of department heads.

Each department head and appointive officer shall have the power to appoint, suspend or remove such deputies, assistants, subordinates and employees as are provided for by the city council for such department or office, subject to the provisions of this Charter and of any personnel merit system adopted hereunder.

Sec. 608. Financial interest of city officers in contracts, sales, etc.

No member of the city council, department head or other officer of the city (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the city with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the city when so declared by resolution of the city council.

No member of the city council, department head or other officer of the city, or member of any board or commission, shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where such person's only interest in the corporation is that of a stockholder and the stock owned by such person shall amount to less than three percent of all the stock of such corporation issued and outstanding.

If any member of the city council, department head or other

officer of the city, or member of a board or commission, shall be financially interested as aforesaid, upon conviction thereof such person shall forfeit such office in addition to any other penalty which may be imposed for such violation of this Charter.

Sec. 609. Acceptance of another office by elective officer.

Any elective officer of the city who shall accept or retain any other elective public office shall be deemed thereby to have vacated his office under the city government.

Sec. 610. Nepotism.

The city council shall not appoint to a salaried position under the city government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such city council, nor shall any department head or other officer having appointive power appoint any relative of such person within degree to any such position.

Sec. 611. Official bonds.

The city council shall fix by ordinance or resolution the amounts and terms of the bonds of officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the city attorney, and shall be filed with the city clerk. Premiums on official bonds shall be paid by the city.

There shall be no personal liability upon, or any right to recover against, a superior officer, or such officer's bond, for any wrongful act or omission of such officer's subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VII. APPOINTIVE BOARDS AND COMMISSIONS.

Sec. 700. In general.

There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated, and such additional powers and duties, consistent with the provisions of this Charter, as may be granted to them by ordinance of the City Council.

In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

The City Council shall establish by ordinance, the number of members, not less than seven, for each board or commission.

Sec. 701. Appropriations.

The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Sec. 702. Appointments; terms.

The members of each such board or commission shall serve at the pleasure of the Mayor and City Council and shall be nominated and appointed by the Mayor and City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. They shall be subject to removal by the Mayor and City Council by a motion adopted by five affirmative votes with the Mayor entitled to vote. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified, and may serve for not more than two consecutive full terms.

Sec. 703. Terms of members of existing enumerated boards and commissions.

Upon the effective date of this Charter, incumbent members of boards and commissions shall be deemed reappointed and shall maintain the same terms of

appointment held under the previous Charter, and all existing boards and commissions shall remain in existence until further action by the City Council consistent with this Article.

All vacancies shall be filled as described in this Article except that when a position on a board or commission has remained vacant for sixty days the Mayor shall appoint a person to fill the vacancy.

The City Council shall provide by ordinance, as provided in Section 700, to establish the number of members of a board or commission as soon as practicable following the effective date of this Charter. If the number of members is reduced by such ordinance, the persons whose seats are to be eliminated shall be determined by the board or commission by lot. If the number of members is increased, the ordinance may provide for initial terms for new members of less than four years so that as near as possible an equal number of terms will expire each year.

Editor's Note: The Charter became effective on November 17, 1981.

Sec. 704. Organization; meetings; subpoena power.

At the first meeting of each board or commission after October 1 of each year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings at least once each month and such special meetings as such board or commission may require. All proceedings shall be open to the public.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the Office of the City Clerk where they shall be available for public inspection. Each board or commission may request from the City Council the power to compel the attendance of witnesses, to

examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations. The City Council, by resolution, shall have sole power to provide such power to boards and commissions.

Sec. 705. Compensation; vacancies.

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Mayor and City Council with the Mayor entitled to vote on any such appointment. Upon vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council if a position on an enumerated board or commission has remained vacant for sixty days the Mayor shall appoint a person to fill the vacancy in accordance with Section 703.

Sec. 706. Planning Commission—Established; composition; participation by City Engineer, City Attorney and Planning Director.

There shall be a Planning Commission. The City Engineer, City Attorney, and Planning Director or their assistants, may meet with and participate in the discussions of the Planning Commission but shall not have a vote.

Sec. 707. Same—Powers and duties.

The Planning Commission shall have the power and duty to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the Master Plan, or any part thereof, for the physical development of the City.

(b) Exercise such control over land subdivisions as is granted to it by the City Council.

(c) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City.

(d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance, not inconsistent with the provisions of this Charter.

Sec. 708. Personnel Board—Composition; eligibility of members to salaried position.

There shall be a Personnel Board, no member of which, while a member of the Board or for a period of one year after such member has ceased for any reason to be a member, shall be eligible for appointment to any salaried office or employment with the City.

Sec. 709. Same—Powers and duties.

The Personnel Board shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.

(b) Act in an advisory capacity to the City Council on matters concerning personnel administration.

Sec. 710. Board of Library Trustees.

There shall be a Board of Library Trustees, which shall have the power and duty to:

(a) Have charge of the administration of City libraries and make and enforce such bylaws, rules and regulations as may be necessary therefor.

(b) Designate its own secretary.

(c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the

needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.

(e) Approve or disapprove the appointment, suspension or removal of the librarian, who shall be the department head.

(f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.

(g) Contract with schools, County or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Sec. 711. Park and Recreation Commission.

There shall be a Park and Recreation Commission which shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, parkways and street trees.

(b) Consider the annual budget for parks, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(d) Establish policies for the acquisition, development and improvement of parks and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council.

Sec. 712. Mayor and Council Members Salary Commission.

There shall be a Mayor and Council Members Salary Commission which shall have the power and duty to:

(a) In every even-numbered year after study and public hearing and not later than ninety days before

the end of the fiscal year, the Commission shall make recommendations to the City Council concerning the compensation for the Mayor and Members of the City Council. Such recommendations shall include salary and fringe benefits.

(b) The Commission shall consist of seven members composed, if practicable, of one business executive, one representative of a nonpartisan voter organization, one person experienced in public administration, one representative of a labor organization, one representative of an educational institution, and two other appointees.

(c) No person shall be appointed to this Commission while serving as Mayor, a Member of the City Council, or employee of the City nor within two years after holding such positions.

(d) The initial term of the members composing the initial Commission shall be determined by the Commission by lot so that four members shall serve a full four-year term and three members a two-year term.

ARTICLE VIII. PERSONNEL MERIT SYSTEM.

Sec. 800. Generally.

The City Council shall by ordinance establish a personnel merit system for the selection, employment, classification, advancement, suspension and discharge of those appointive officers and employees who shall be included in the system. The system may consist of the establishment of minimum standards of employment and qualifications for the various classes of employment, or of a comprehensive system, as the City Council shall determine to be for the best interests of the public service. The ordinance shall designate the departments and the appointive officers and employees who shall be included within the system. By subsequent ordinances the City Council may amend the system or the list of departments and appointive officers and employees included within the system. The system shall comply with all other provisions of this Charter.

ARTICLE IX. RETIREMENT.

Sec. 900. Authority to continue under state system.

Plenary authority and power are hereby vested in the city, its city council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement System, as it now exists or hereafter may be amended, to enable the city to continue as a contracting city under the Public Employees' Retirement System. The city council may terminate any contract with the board of administration of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the city, voting on such proposition at an election at which such proposal is presented.

ARTICLE X. ELECTIONS.

Sec. 1000. General municipal elections.

General municipal elections for the election of officers and for such other purposes as the city council may prescribe shall be held in the city on the first Tuesday following the first Monday of November of each odd numbered year.

Sec. 1001. Special municipal elections.

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Sec. 1002. Compliance with state law.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities so far as the same are not in conflict with the Charter.

Sec. 1003. Initiative, referendum and recall.

There are hereby reserved to the electors of the city the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the city so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

ARTICLE XI. FISCAL ADMINISTRATION.

Sec. 1100. Fiscal year.

The fiscal year of the city government shall be established by ordinance.

Sec. 1101. Budget—Submission to council; notice of public hearing.

At least thirty-five calendar days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed budget containing estimates of revenues and expenditures for each city department or office, as appropriate. After reviewing the same and making such revisions as it may deem advisable, the city council shall determine the time for the holding of a public hearing thereon and shall cause to

be published a notice thereof not less than twenty days prior to said hearing, by at least one insertion in a newspaper of general circulation within the city.

Copies of the proposed budget shall be available for inspection by the public in the office of the city clerk and at every public library in the city at least twenty days prior to said hearing.

Sec. 1102. Same—Public hearing.

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the city council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Sec. 1103. Same—Further consideration, revision and adoption; availability to departments, etc.

After the conclusion of the public hearing the city council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before the day preceding the start of the fiscal year, it shall adopt the budget. A copy thereof, certified by the city clerk, shall be filed with the person retained by the city council to perform auditing functions for the council.

A copy shall be placed, and shall remain on file, in the office of the city clerk and copies shall be placed in all public libraries in the city where they shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the city.

Sec. 1104. Same—Appropriations; transfer of funds.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become

appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the city council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget.

Sec. 1105. Centralized purchasing.

Under the control and direction of the city manager there shall be established a centralized purchasing system for all city departments and agencies, which system shall be consistent with all other provisions of this Charter.

Sec. 1106. Tax limits: special levy for library purposes.

(a) The city council shall not levy a property tax, for municipal purposes, in excess of one dollar annually on each one hundred dollars of the assessed value of taxable property in the city, except as otherwise provided in this section, unless authorized by the affirmative votes of two-thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the city for

principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the city; and,

2. A tax sufficient to meet all obligations of the city to the Public Employees' Retirement System for the retirement of city employees, due and unpaid or to become due during the ensuing fiscal year.

(c) A special levy, in addition to the above, may be made annually in an amount not to exceed twenty cents on each one hundred dollars of the assessed value of taxable property in the city for library purposes. The proceeds of such special levy shall be used only for the purpose for which it is levied.

Sec. 1107. Procedure for assessment, levy and collection of taxes.

The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the city council.

Sec. 1108. General obligation bonded debt limit; vote required for issuing general obligation bonds; issuance of revenue bonds, notes and other evidence of indebtedness.

(a) The city shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation, for purposes of city taxation, of all the real and personal property within the city.

(b) No bonded indebtedness which shall constitute a general obligation of the city may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

(c) The city council by procedural ordinance or pursuant to state law, after a public hearing, notice of which has been given by publication at least fifteen days prior to such hearing, may issue revenue bonds, notes or other evidences of indebtedness without an election for any city purpose or purposes, and, any other provisions of this charter notwithstanding, may make such covenants and exercise such powers as are deemed necessary in connection with the issuance and sale of such revenue bonds, notes or other evidences of indebtedness.

Sec. 1109. Public works contracts.

Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the same exceed the amount set by state law for which bids are required for public works projects of a city, shall be let by the city council by contract to the lowest responsible bidder after notice by publication in a newspaper of general circulation within the city by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the maintenance or repair of streets, drains or sewers are excepted from the requirements of this section if the city council determines that such work can be performed more economically by a city department than by contracting for the doing of such work.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the city. Such security shall be in an amount not less than that specified in the notice inviting bids or in an amount not less than ten percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting

bids or in the specifications referred to therein, the amount of the bidder's security shall be declared forfeited to the city and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The city council may reject any and all bids presented and may readvertise in its discretion.

The city council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the city manager, the work in question may be performed better or more economically by the city with its own employees or the supplies or materials may be purchased more economically on the open market, and after the adoption of a resolution to that effect by at least five affirmative votes of the city council may proceed to have said work done or said supplies or materials purchased in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids if such work or supplies or materials shall be deemed by the city council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least five affirmative votes of the city council and containing a declaration of the facts constituting such urgency.

Projects for the extension or development of any public utility operated by the city or for the purchase of supplies or equipment for any such utility may be excepted from the requirements of this section, provided the city council so determines by at least five affirmative votes.

Sec. 1110. Cash basis fund.

The city council shall maintain a revolving fund, to be known as the "cash basis fund," for the purpose of placing the payment of the running expenses of the city on a cash basis. A

reserve shall be built up in this fund from any available sources in an amount which the city council deems sufficient with which to meet all lawful demands against the city for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the city council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis. All moneys so transferred from the cash basis fund shall be returned thereto before the end of the fiscal year.

Sec. 1111. Capital outlays fund.

A fund for capital outlays generally is hereby created, to be known as the "capital outlays fund." The city council may create by ordinance a special fund or funds for a special capital outlay purpose. To the extent permitted by law, the city council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which such question is submitted. The city council may transfer to any such fund any unencumbered surplus funds remaining on hand in the city at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Sec. 1112. Presentation and approval of demands against City; limitation upon presentation of claim for damages.

Unless otherwise governed by state law, all claims for damages against the City must be verified and presented to the City Clerk within one hundred days after the occurrence, event or transaction from which the damages allegedly arose, or within such shorter time as is otherwise provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall be approved or rejected in writing by order of the City Council and the date thereof given.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Controller within one hundred days after the last item of the account or claim accrued. The Controller shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, the Controller shall approve such demand and draw a warrant on the City Treasurer therefor, payable out of the proper fund. Otherwise the Controller shall reject it. Objections of the Controller may be overruled by the City Council and the warrant ordered drawn.

The Controller shall transmit such demand, with the Controller's approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person

dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or reject the demand in whole or in part.

Sec. 1113. Registering warrants.

Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

Sec. 1114. Actions against City.

Except as otherwise provided or preempted by state law, no suit shall be brought for money or damages against the City or any board, commission or officer thereof until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within forty-five days from the day the same is presented shall be deemed a rejection thereof.

Sec. 1115. Independent audit.

The City Council shall employ, at the beginning of each fiscal year, a qualified public accountant who shall, at such time or times as may be specified by the City Council, and at such times as such accountant shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees or departments as the City Council may

direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the city council, one copy thereof to be distributed to each member, one to the city manager, controller, treasurer, and city attorney, respectively, and three additional copies to be placed on file in the office of the city clerk where they shall be available for inspection by the general public.

ARTICLE XII. DEPARTMENT OF PUBLIC UTILITIES.

Sec. 1200. Created; management and control.

There shall be a department of public utilities, which shall be under the management and control of the city manager subject, however, to the powers and duties of the board of public utilities as hereafter set forth in this Article. Said department shall be responsible for electric and water supplies, services and conservation, and shall include all works owned, controlled, operated, leased or contracted for by the city for supplying the city and its inhabitants with water and electric energy.

Sec. 1201. Board of public utilities—Composition; applicability of Article VII of Charter.

There shall be a board of public utilities. All of the provisions of Article VII of this Charter relating to boards and commissions generally, to the organization, meetings, conduct of proceedings, and expenses thereof, and to the appointment, qualifications, term of office, removal, compensation and powers of members thereof, where not inconsistent with the provisions of this Article, shall apply to the board of public utilities and to its members.

Sec. 1202. Same—Powers and duties.

The board of public utilities shall have the power and duty to:

- (a) Consider the annual budget for the department of public utilities during the process of its preparation and make recommendations with respect thereto to the city council and the city manager.
- (b) Within the limits of the budget of the department of public utilities, authorize any purchase of equipment, materials or supplies exceeding the amount set by state law requiring municipal public works projects to be let to bid, and authorize the acquisition, construction, improvement, extension, enlargement, diminution, or curtailment of all or any part of any public utility system. No such purchase, acquisition, construction, improvement, extension, enlargement, diminution or curtailment shall be made without such authorization.
- (c) Within the limits of the budget of the department of public utilities, make appropriations from the contingency reserve fund for capital expenditures directly related to the appropriate utility function.
- (d) Require of the city manager monthly reports of receipts and expenditures of the department of public utilities, segregated as to each separate utility, and monthly statements of the general condition of the department and its facilities.
- (e) Establish rates for water and electrical revenue producing utilities owned, controlled or operated by the city, but subject to the approval of the city council.
- (f) Approve or disapprove the appointment of the director of public utilities, who shall be the department head.
- (g) Designate its own secretary.
- (h) Make such reports and recommendations in writing to the city council regarding the department of public utilities as the city council shall deem advisable.
- (i) Exercise such other powers and perform such other duties as may be prescribed by ordinance not inconsistent with any of the provisions of this Charter.

Sec. 1203. Purchases and expenditures generally; exemption from centralized purchasing system.

The purchase of equipment, materials and supplies peculiar to the needs of the department of public utilities need not be made through the centralized purchasing system. The expenditure and disbursement of funds of the department of public utilities shall be made and approved as elsewhere in this Charter provided.

Sec. 1204. Use of revenue.

The revenue of each public utility for each fiscal year shall be kept separate and apart from all other moneys of the city by deposit in the appropriate revenue fund and shall be used for the purposes and in the order as follows:

- (a) For the payment of the operating and maintenance expenses of such utility, including any necessary contribution to retirement of its employees.
- (b) For the payment of interest on the revenue bonded debt of such utility. As used in this section 'revenue bonded debt of such utility' means the debt evidenced by revenue bonds, revenue notes or other evidences of indebtedness payable only out of the revenues pertaining to the utility involved, whether the same are issued under the provisions of this Charter or under the provisions of any general law of the State of California.
- (c) For the payment, or provision for the payment of the principal of said debt as it may become due, and of premiums, if any, due upon the redemption of any thereof prior to maturity.
- (d) For the establishment and maintenance of any reserves for (b) and (c) above.
- (e) For capital expenditures of such utility.
- (f) For the annual payment by each utility into the general fund in twelve equal monthly installments during each fiscal

year, an amount not to exceed 11.5 percent of the gross operating revenues, exclusive of surcharges, of each specific utility for the last fiscal year ended and reported upon by independent public auditors.

Sec. 1205. Sale of public utility.

No public utility now or hereafter owned or controlled by the city shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of at least two-thirds of the voters on such proposition at a general or special municipal election at which such proposition is submitted.

ARTICLE XIII. FRANCHISES.

Sec. 1300. Requiring; granting generally; applicability to city-owned utility.

Any person, firm or corporation furnishing the city or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the city for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The city council is empowered to grant such franchise or not, and to prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of practice and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter.

Nothing in this section, or elsewhere in this Article, shall apply to the city, or to any department thereof, when furnishing any such utility or service.

Sec. 1301. Resolution of intention to grant; notice and public hearing.

Before granting any franchise, the city council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the city council and be heard thereon. It shall direct the city clerk to publish said resolution at least once, within fifteen days of the passage thereof, in a newspaper of general circulation within the city. Said resolution shall be published at least ten days prior to the date of hearing.

At the time set for the hearing, or at any adjournment thereof, the city council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same. If the city council shall determine that any substantive change should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Sec. 1302. Term of franchise.

Every franchise shall state the term for which it is granted, which shall not exceed thirty-five years.

Sec. 1303. Eminent domain.

No franchise grant shall in any way, or to any extent, impair or affect the right of the city to acquire the property of the grantee thereof either by purchase or through exercise of

the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the city's right of eminent domain with respect to any public utility.

ARTICLE XIV. MISCELLANEOUS

Sec. 1400. Definitions.

Unless the provision or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Riverside, and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Riverside.
- (c) "County" is the County of Riverside.
- (d) "State" is the State of California.
- (e) "Newspaper of general circulation within the city" is as defined by state law.

Sec. 1401. Violations and penalty.

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a period not exceeding six months or by both such fine and imprisonment.

Sec. 1402. Severability.

If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 1403. Charter committee, requirement for.

At the first General Municipal Election following ten years after the effective date of this Charter, and each ten years thereafter, the City Council shall place upon the ballot the question, "Shall there be appointed by the City Council in the City of Riverside a Charter committee which shall review the Charter of the City?". If the majority of those casting ballots vote in the affirmative, the City Council shall create such a committee and shall appropriate adequate funds to such Charter committee for its task of determining whether or not to propose revisions to the Charter. Such committee shall be advisory to the City Council.

The City Council may submit such question more often if it desires.

Editor's Note: The effective date of the Charter is November 17, 1981.

Sec. 1404. Charter, amending.

This Charter, and any provisions hereof, may be amended in accordance with the Constitution and laws of the State of California.

Sec. 1405. Pending actions.

No action or proceeding before any board or commission of the City, whether specifically enumerated in this Charter or not, which was commenced before the effective date of this Charter, and no right accrued in any such proceeding, is affected by the provisions of this Charter, but all proceedings taken thereafter shall conform to the provisions of this Charter.

Editor's Note: The effective date of the Charter is November 17, 1981.

Sec. 1406. Board of Education—Membership.

The Board of Education shall consist of five members who shall be qualified electors of the Riverside Unified School District.

The manner in which, the times at which, and the terms of which the members of the Board of Education created pursuant to this Section shall be elected or appointed, and their qualifications, compensation, and removal, shall be governed by the general

provisions of law governing school district governing boards; except that in order to provide for an orderly transition, the members of the board whose term of office would have ended on January 3, 1983, shall end on the last Friday in November, 1983, and those members of the board whose terms of office would have ended on January 7, 1985, shall end on the last Friday in November, 1985.

Sec. 1407. Same--Powers and duties.

The powers and duties of the Board of Education and all matters pertaining to the Board of Education, except as herein provided, shall be governed by the provisions of the laws of the State of California, as the same now exist or hereafter may exist.

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